

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)
 Plaintiff,)
)
v.) Case No. 1:17-cr-00224-AT-CMS
)
ALLEN J. PENDERGRASS,)
 Defendant.)
_____)

DEFENDANT’S PROPOSED VOIR DIRE QUESTIONS

COMES NOW, Defendant ALLEN J. PENDERGRASS, by and through the undersigned attorney, pursuant to Rule 24(a), Federal Rules of Criminal Procedure, and submits the following proposed Voir Dire questions:

GROUP QUESTIONS:

BACKGROUND/REFERENCE GROUPS/AFFILIATIONS

1. Have you or anyone close to you -- such as a relative or close friend – ever been employed by a law enforcement agency? That includes agencies such as a police department, a sheriff’s department, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco & Firearms, the U.S. Treasury Department or the Internal Revenue Service?
2. How many of you have any education or training in the law, criminal justice or law enforcement?
3. Has anyone or any member of your family ever worked in a lawyer’s office, a public defender’s office, or prosecutor’s office?
4. Have you served in the military? -What branch, rank, how long?

5. While in the service, were you ever assigned to the military police, intelligence or investigative work?
6. How many of you belong to a social, fraternal, political or charitable organization or club? [Name? Hold Office?]

RELEVANT EXPERIENCES

7. Has any member of the panel ever been active in a neighborhood crime watch group--- something beyond simply putting up a sign, such as attending meetings or serving as an officer?
8. How many of you are regular viewers of any of the following TV shows: *(Separate show of hands for each)* CSI, American Greed, Law & Order?
9. How do you spend your time when you are not working?
10. How often do you have contact with people of a different ethnicity or race? In what context? (invited to home, at work, social events)
11. How many here regularly listen to talk radio?
12. Has anyone heard anything about this case prior to today?
13. Have any of you or any member of your family, or close friends been the victim of identity theft?
14. Have any of you or any member of your family, or close friends been the victim of or witness to any other type of fraud?
15. Has anyone here ever been a witness in court?
16. How many of you have ever been sued or sued someone else in court?
17. Has anyone ever used an asset recovery company to find lost funds? Please tell us about that experience.

LEGAL SYSTEM OPINIONS

18. Have you or a close family member ever had any negative interaction with law enforcement officers? If so,
 - a) what was the nature of the interaction?
 - b) how was the issue resolved?
19. Have you or a close family member ever had any positive interaction with law enforcement officers? If so,
 - a) what was the nature of the interaction?
 - b) how was the issue resolved?
20. Have you or a close family member ever had any positive interaction with criminal defense attorneys? If so,
 - a) what was the nature of the interaction?
 - b) how was the issue resolved?
21. Have you or a close family member ever had any negative interaction with criminal defense attorneys? If so,
 - a) what was the nature of the interaction?
 - b) how was the issue resolved?
22. Some of the people who will testify in this case have admitted to committing some of the crimes charged here. Does that fact tend to make anyone here assume that Mr. Pendergrass must also have committed the crimes he is charged with?
23. Do any of you feel that our legal system does too much to protect the rights of the accused?
24. Does anyone here feel that defense attorneys use tricks or technicalities to help the guilty to go free?
25. Does anyone here feel that prosecutors and/or police use tricks or technicalities to make their cases?
26. How many people believe a person can be wrongly accused of committing a crime?

27. Have you and/or a relative and/or close friend, ever been wrongfully accused of or charged with committing a crime? If yes,
 - (a) Was it you or family member or friend?
 - (b) What type of crime was it and when did it occur?
 - (c) What was the outcome?
28. Is anyone familiar with the term snitch or cooperating witnesses?
29. Does anyone here believe that because a cooperating witness has admitted guilt his or her testimony is more or less credible than other witnesses?
30. Is there anyone here who feels that there is just something about this case, such as the nature of the charges or the Defendants, or something about your background or past experiences that might cause you to start out favoring one side or the other?
31. Mr. Pendergrass has been charged with more than one crime in this case. Is there anyone here who feels he must be guilty of something just because he has been charged with several crimes?

BIAS

32. The term Implicit Bias refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. Does anyone believe that implicit bias can affect our decision-making process?
33. Are you willing to explore how, if at all, your implicit bias affects your verdict, after you have heard all of the evidence and listened to the Court's instructions?
34. Would any of you have difficulty expressing your own opinions and thoughts about this case to your fellow jurors?
35. Does anyone have any knowledge of or experience with groups like Black Lives Matter either through personal experience, social media, or news reports?

36. Does anyone have any knowledge of or experience with “alt-right” groups or white nationalist groups through personal experience, social media, or news reports?

LEGAL PRINCIPLES

37. How many of you feel that if a defendant does not testify, he or she is most likely guilty?
38. In a criminal case the burden is on the prosecution to prove their case against the defendants beyond a reasonable doubt. Does anyone have any problems with the burden being placed on the prosecution?
39. Does anyone feel that he/she could not make a fair decision in this case if the defense presented no evidence at all and you had to decide solely on whether the prosecution had proved its case beyond a reasonable doubt?
40. If law enforcement officers or other government employees testify in this case, will you be inclined to think that their testimony is more or less believable than that of any other witness just because they are law enforcement officers or work for the United States government?
41. Does anyone believe that the Defendant, Allen Pendergrass, should be required to prove that he is innocent?
42. In order to convict a defendant of any offense charged, all 12 jurors must render a unanimous decision. Does anyone have difficulty with this rule?
43. During deliberations, if you are part of a minority position, or you are the minority position, can you stand for your beliefs and continue to vote your conscience and not be persuaded if other jurors hold the opposite view?
44. Does anyone have a problem with withholding judgment and not making any decision about this case until you have heard all of the evidence and are in the process of deliberating with the other jurors?

WHEREFORE, Mr. Pendergrass respectfully requests that the Court ask the prospective jurors the questions submitted herein, or that her counsel be allowed to ask the same, and that counsel be granted leave to ask reasonable follow-up questions to the answers provided by the prospective jurors.

Respectfully submitted this 26th day of October 2021.

/s/SARALIENE S. DURRETT

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Counsel for Mr. Pendergrass

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date electronically filed the foregoing proposed voir dire with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney(s) of record:

All Defense Counsel
All AUSAs of record

Respectfully submitted this 26th day of October 2021.

/s/SARALIENE S. DURRETT

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